

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of

PUBLIC UTILITIES COMMISSION

Instituting a Proceeding to Investigate Proposed
Amendments To the Framework for Integrated
Resource Planning.

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Docket No. 2009-0108

STIPULATED PROCEDURAL ORDER

EXHIBIT A

AND

CERTIFICATE OF SERVICE

Public Utilities Commission

SEP 11 2009

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of)	
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PUBLIC UTILITIES COMMISSION)	Docket No. 2009-0108
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Instituting a Proceeding to Investigate Proposed)	
Amendments To the Framework for Integrated)	
Resource Planning.)	
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STIPULATED PROCEDURAL ORDER

Hawaiian Electric Company, Inc. ("Hawaiian Electric"), Hawaii Electric Light Company, Inc. ("HELCO"), Maui Electric Company, Limited ("MECO"), Kauai Island Utility Cooperative ("KIUC"), the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs ("Consumer Advocate"), the Department of Business, Economic Development and Tourism ("DBEDT"), the County of Maui ("COM"), the County of Kauai ("COK"), the County of Hawaii ("COH"), Hawaii Renewable Energy Alliance ("HREA"), Haiku Design and Analysis ("HDA"), Hawaii Solar Energy Alliance ("HSEA"), JW Marriott Ihilani Resort & Spa, Waikoloa Marriott Beach Resort & Spa, Maui Ocean Club, Wailea Marriott, and Essex House Condominium Corporation, on behalf of Kauai Marriott Resort & Beach Club (collectively "Marriotts"), Blue Planet Foundation ("Blue Planet"), and Forest City Hawaii Residential, Inc. ("Forest City") (collectively the

"Stipulating Parties") hereby stipulate that the Stipulated Procedural Order, attached hereto as Exhibit "A," is mutually acceptable to each respective Stipulating Party.¹

This Stipulated Procedural Order may be executed by the Stipulating Parties in counterparts, each which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The Stipulating Parties may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

Dated: Honolulu, Hawaii, SEPTEMBER 11, 2009.

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¹ On July 29, 2009, Life of the Land (LOL) filed *Comments on Proposed Stipulated Order* stating LOL's support of the Proposed Stipulated Procedural Order with the caveat that for the instant docket, "the Commission limit the number of hard copies to one: the original to be filed with the Commission."

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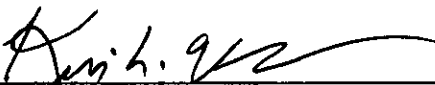
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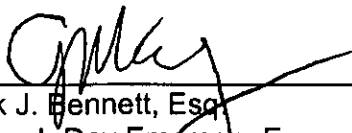
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Dated: Honolulu, Hawaii, Sept. 4, 2009

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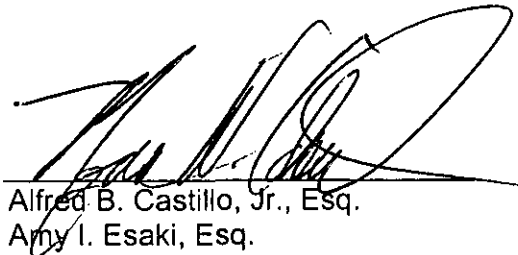
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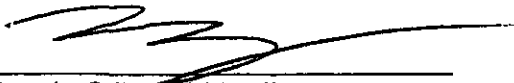
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_____)	

STIPULATED PROCEDURAL ORDER

On April 28, 2009, Hawaiian Electric Company, Inc. ("Hawaiian Electric"), Hawaii Electric Light Company, Inc. ("HELCO") and Maui Electric Company, Limited ("MECO"), collectively referred to herein as the "Hawaiian Electric Companies" or "Companies", Kauai Island Utility Cooperative ("KIUC"), and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs ("Consumer Advocate"), filed a letter proposing amendments to the Framework for Integrated Resource Planning. The proposed framework amendments submitted by the Companies, KIUC, and the Consumer Advocate are hereinafter referred to as the Proposed Clean Energy Scenario Planning Framework ("Proposed CESP Framework").

By *Order Initiating Investigation*, filed on May 14, 2009, the Commission instituted this proceeding to examine the proposed amendments to the Framework for

Integrated Resource Planning, as set forth in the letter filed on April 28, 2009, and attached as Exhibit A to the Order.

In the *Order Initiating Investigation*, the Commission stated:

Any interested individual, entity, agency, or community or business organization may file a motion to intervene or participate without intervention in this docket. Motions to intervene or participate without intervention must comply with all applicable rules of HAR Chapter 6-61.

Order Initiating Investigation, at 5. The Commission also stated:

Within sixty days from the date of this Order, the Parties (and intervenors and participants, if any) shall file a stipulated procedural order setting forth the issues, procedures, and schedule to govern this proceeding. If the Parties (and intervenors and participants, if any) are unable to stipulate, each of them shall file proposed orders for the commission's review and consideration within the same deadline.

Order Initiating Investigation, at 8-9.

Subsequent to the opening of this docket, the following motions to intervene were filed: 1) The Department of Business, Economic Development, and Tourism's ("DBEDT") Motion to Intervene, filed on June 3, 2009; 2) County of Hawai'i's ("COH") Motion to Intervene or to Participate in the Public Utilities Commission's Docket No. 2009-0108, Instituting a Proceeding to Investigate Proposed Amendments to the Framework for Integrated Resource Planning, filed on June 3, 2009; 3) County of Maui's ("COM") Motion to Intervene in the Public Utilities Commission's Docket No. 2009-0108, Instituting a Proceeding to Investigate Proposed Amendments to the Framework for Integrated Resource Planning, filed on June 1, 2009, as amended on June 2, 2009; 4) County of Kauai's ("COK") Motion to Intervene, filed on June 3, 2009; 5) Life of the Land's ("LOL") Motion to Intervene, filed on May 22, 2009; 6) Motion to Intervene of Haiku Design and Analysis ("HDA"), filed on June 2, 2009; 7) Motion to Intervene of

Hawaii Renewable Energy Alliance ("HREA"), filed on June 1, 2009; 8) Blue Planet Foundation's ("Blue Planet") Motion to Intervene, filed on June 3, 2009; 9) Motion for Intervention of Hawaii Solar Energy Association ("HSEA"), filed on June 3, 2009; 10) Motion to Intervene and Certificate of Service of JW Marriott Ihilani Resort & Spa, Waikoloa Marriott Beach Resort & Spa, Maui Ocean Club, Wailea Marriott, and Marriott Hotel Services, Inc., on behalf of Kauai Marriott Resort & Beach Club (collectively "Marriotts"), filed on June 2, 2009²; and 11) Forest City Hawaii Residential, Inc.'s ("Forest City") Motion to Intervene, filed on June 3, 2009.

By letter filed on June 10, 2009, the Hawaiian Electric Companies stated that they do not oppose the granting of intervenor status to any of the Intervenor so long as movants do not broaden the issues or delay the proceeding and comply with the Commission's Rules of Practice and Procedure.

On July 1, 2009, the Commission issued its *Order Granting Intervention*, granting intervenor status to DBEDT, COH, COM, COK, LOL, HDA, HREA, Blue Planet, HSEA, Marriotts, and Forest City (collectively "Intervenors"), and extended the original deadline for filing a stipulated procedural order in this docket from July 15, 2009 to July 29, 2009.

The "Parties" in this proceeding are the Hawaiian Electric Companies, KIUC, the Consumer Advocate, and the Intervenor. All Parties with the exception of LOL agree that the following provisions of this Stipulated Procedural Order are mutually acceptable

² On August 17, 2009, Marriotts filed a letter informing the Commission that the management of the Kauai Marriott Resort & Beach Club changed from Marriott Hotels Services, Inc. to Essex House Condominium Corporation (a corporate affiliate of Marriott International, Inc.

to each.³ Accordingly, it is ordered that the following Statement of Issues, Schedule of Proceedings, and procedures shall be utilized in this docket.

I. STATEMENT OF THE ISSUES

The issues in this docket are:

1. Whether (a) the Proposed CESP Framework, as may be modified in this proceeding, establishes a framework for a reasonable, flexible, useful, efficient, and timely planning process across a wide range of potential futures and uncertainties which will provide guidance on how each utility will balance meeting the near and long term energy needs of Hawaii's electric utilities and their customers and/or members, and (b) if not, what changes should be made to the Proposed CESP Framework.
2. Whether (a) the Proposed CESP Framework, as may be modified in this proceeding, establishes a framework that supports achievement of State and/or federal energy policy objectives, and (b) if not, what changes should be made to the Proposed CESP Framework.
3. Whether (a) the Proposed CESP Framework, as may be modified in this proceeding, establishes a framework that properly and fully considers and reasonably accommodates the relationship between resource planning and utility consumers, energy stakeholders, the climate and environment, culture, community lifestyles, the economy, society, the need to preserve a stable electric grid and system reliability, and the financial soundness of

³ On July 29, 2009, LOL filed *Comments on Proposed Stipulated Order* stating LOL's support of the Proposed Stipulated Procedural Order with the caveat that for the instant docket, "the Commission limit the number of hard copies to one: the original to be filed with the Commission."

the electric utilities, and (b) if not, what changes should be made to the Proposed CESP Framework.

4. Whether, as it pertains to KIUC, (a) the Proposed CESP Framework, as may be modified in this proceeding, is consistent with the objectives and policies of an electric cooperative as established by its Board and the electric cooperative's applicable lender requirements, and (b) if not, what changes should be made to the Proposed CESP Framework.

II. SCHEDULE OF PROCEEDINGS

The Parties shall adhere to the schedule of proceedings set forth in the Stipulated Procedural Schedule attached hereto as Exhibit "A", unless modified by the Commission. Notwithstanding the above, the Parties may amend the Stipulated Procedural Schedule as may be agreed in writing from time to time; provided that the requesting party or parties receive the Commission's approval in accordance with Hawaii Administrative Rules ("HAR") §6-61-23, to the extent applicable. However, the intent of the Parties in agreeing to a schedule at this time is to promote the efficient and cost-effective allocation of resources. Therefore, any changes to the schedule should be proposed only when there is an urgency or substantial competing need that cannot be reasonably accommodated without a change.

III. MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS

A. Requests for Information

A party to this proceeding may submit information requests to another party within the time schedule specified in this Stipulated Procedural Order. To the extent

practical, the Parties will cooperate (1) by exchanging information requests and responses as they become available, and (2) by resolving questions regarding information requests and responses informally to attempt to work out problems with respect to understanding the scope or meaning of information requests, or with respect to the availability of information. If a party is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party as soon as possible. The Parties shall then endeavor to agree upon a later date for submission of the requested information. If the Parties are unable to agree, the responding party may seek approval for the late submission from the Commission upon a showing of good cause. It is then within the Commission's discretion to approve or disapprove such late filings and take any additional action that may be appropriate, such as extending the date for the party to respond.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials (e.g., documents over 50 pages), the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available on computer diskette or other readily usable electronic medium, the party responding to the information request shall make the diskette or such electronic medium available to the other parties and the Commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all formulae intact, and will not be entirely converted to values prior to submission.

A party shall not be required, in a response to an information request, to provide data that is/are already on file with the Commission or otherwise part of the public

record, or that may be stipulated to pursuant to Part B, infra. The responding party shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party to locate and copy the document.⁴ In addition, a party shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A party may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the response contains information claimed to be privileged or subject to protection (confidential information). If a party claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party if the information were disclosed); and (3) state whether the party is willing to provide the confidential information to some or all representatives of the party pursuant to a protective order governing this docket.

⁴ As practical, each party will cooperate in making available documents that are already on file with the Commission or otherwise part of the public record and in reproducing (at reasonable charges), such public record documents as well as voluminous material referenced by such parties, designated by the requesting parties and/or making available one copy of the designated documents for loan for a reasonable period of time to be reproduced by the requesting party.

A party seeking production of documents notwithstanding a party's claim of confidentiality, may file a motion to compel production with the Commission.

The responses of each party to information requests shall adhere to a uniform system of numbering agreed upon by the Parties. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-IR-1," and a response to this information request shall be referred to and designated as "Response to CA-IR-1."

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and/or reference the attached responsive document.

Generally, exhibits should include appropriate footnotes, or narratives inserted in the related testimony, setting forth the sources of the information used and explaining the methods employed in making statistical compilations or estimates.

B. Matters of Public Record

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that HECO Companies or KIUC have filed with the Commission, published decisions of this or other Commissions, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to electric utility matters, and specified parts of the record in previous Commission dockets shall be admissible in this proceeding without the necessity of reproducing each document; provided that the document to be admitted is clearly identified by reference to the place of publication, file or docket number, and the identified document is available for inspection by the Commission and the Parties;

and further provided that any party has the right to explain, qualify or conduct examination with respect to the identified document. The Commission can rule on whether the identified document can be admitted into evidence when a party proffers such document for admission as evidence in this case.

From time to time, the Parties may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

C. Copies of Testimony, Exhibits and Information Requests

1. Copies of Filings, Information Requests, Responses to Information

Requests, Statements of Position:

Commission	Original + 8 copies
HECO Companies	1 copy
Consumer Advocate	1 copy
DBEDT	1 copy
KIUC	1 copy
COK	1 copy
COM	1 copy
COH	1 copy
LOL	1 copy
HDA	1 copy
HREA	1 copy
HSEA	1 copy
Marriotts	1 copy
Blue Planet	1 copy
Forest City	1 copy

2. All pleadings, briefs and other documents required to be filed with the Commission shall comply with the formatting requirements prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-16 of the Commission's Rules of Practice and Procedure and shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-15 of the Commission's Rules of Practice and Procedure.

3. Requisite copies of all documents should be sent to the Commission, Consumer Advocate, DBEDT, and HECO Companies by hand delivery or United States mail (first class, postage prepaid). The Parties stipulate and agree that service of documents between parties, other than documents designated as confidential pursuant to any protective order adopted in this proceeding, shall be served electronically via e-mail to the specific e-mail addresses designated by the Parties in writing, in a portable document format ("pdf") by 5:00 p.m. on the day due. The pdf versions served electronically via e-mail shall maintain the original formatting and pagination of the documents sent to the Commission, Consumer Advocate, DBEDT, and HECO Companies. The Parties agree to use Word 97, Word 2000, Word 2002, Word 2003, or later editions of Word readable by these versions as the standard programming format for filings in this case. The Parties also agree to submit any spreadsheets (e.g., used as workpapers or exhibits) in Microsoft Excel format. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a party shall not be required to convert such workpapers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97, Word 2000, Word 2003 as long as the applicable format is identified.

D. Communications

Chapter 61, Subchapter 3, Section 6-61-29 of the Commission's Rules of Practice and Procedure concerning ex parte communications is applicable to any communications between a party and the Commission. However, the Parties may

communicate with Commission counsel on matters of practice and procedure through their own counsel or designated official.

Communications between the Parties should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing party. All motions, supporting memoranda, and the like shall also be served on opposing counsel.

E. Order of Examination

The order of presentation for witnesses, and whether the witness will present both written and rebuttal testimony at the same time, shall be determined at the prehearing conference to be held pursuant to the Stipulated Procedural Schedule.

Examination of any witness shall be limited to one attorney for a party. The parties shall avoid duplicative or repetitious cross-examination. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Re-cross-examination shall be limited to the extent of material covered in redirect examination unless otherwise permitted by the Commission.

F. General

These procedures are consistent with the orderly conduct of this docket. Pursuant to Chapter 61, Subchapter 3, Section 6-61-37 of the Commission's Rules of Practice and Procedure, this Stipulated Procedural Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearing to prevent manifest injustice.

This Stipulated Procedural Order may be executed by the Parties in counterparts, each of which shall be deemed an original, and all of which taken together

shall constitute one and the same instrument. The Parties may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

DONE at Honolulu, Hawaii, this _____ day of _____, 2009.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By _____
Carlito P. Caliboso, Chairman

By _____
John E. Cole, Commissioner

By _____
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Commission Counsel

EXHIBIT A

Stipulated Procedural Schedule
Docket No. 2009-0108

	Procedural Steps	Deadline
1	Technical Session with the Parties on Proposed CESP Framework	August 11, 2009
2	Parties' Informal Proposed Modifications to the Proposed CESP Framework	August 28, 2009
3	Technical Session on Parties' Informal Proposed Modifications to the Proposed CESP Framework	September 15, 2009
4	Parties' Preliminary Statement of Position and/or Preliminary Proposed Modifications to the Proposed CESP Framework	September 25, 2009
5	All Parties' Information Requests on the Proposed CESP Framework and/or Parties' Preliminary Statement of Position and/or Preliminary Proposed Modifications to the Proposed CESP Framework	October 9, 2009
6	All Parties' Responses to Information Requests on the Proposed CESP Framework and/or Parties' Preliminary Statement of Position and/or Preliminary Proposed Modifications to the Proposed CESP Framework	October 23, 2009
7	All Parties' Final Proposed CESP Framework and/or Final Statement of Position	November 13, 2009
8	Prehearing Conference	November 23, 2009
9	Panel Hearing	Week of November 30, 2009

If there is agreement among the Parties following the filing of the Statement of Positions, the Parties may request the Commission to waive the panel hearing in this docket.

CERTIFICATE OF SERVICE

The foregoing Stipulated Procedural Order was served on the date of filing by mail, postage prepaid and properly addressed to the following:

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Dean K. Matsuura
Manager
Regulatory Affairs

September 11, 2009

FILED
2009 SEP 11 P 4:03
PUBLIC UTILITIES
COMMISSION

The Honorable Chairman and Members of the
Hawaii Public Utilities Commission
Kekuanaoa Building, 1st Floor
465 South King Street
Honolulu, Hawaii 96813

Dear Commissioners:

Subject: Docket No. 2009-0108 – Clean Energy Scenario Planning Framework
Revised Stipulated Procedural Order

Enclosed for filing is a revised stipulated procedural order for Docket No. 2009-0108.

On July 29, 2009, the following parties filed a proposed Stipulated Procedural Order (“SPO”) in this proceeding for the Commission’s consideration and approval: Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., Maui Electric Company, Limited (collectively “Hawaiian Electric Companies”) the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, Kauai Island Utility Cooperative, the Department of Business, Economic Development and Tourism, the County of Hawaii, the County of Maui, the County of Kauai, Haiku Design and Analysis, Hawaii Renewable Energy Alliance, Hawaii Solar Energy Association, Blue Planet Foundation, JW Marriott Ihilani Resort & Spa, Waikoloa Marriott Beach Resort & Spa, Maui Ocean Club, Wailea Marriott, and Marriott Hotel Services, Inc., on behalf of Kauai Marriott Resort and Beach Club (collectively “Marriotts”)¹, and Forest City Hawaii Residential, Inc. (collectively “Stipulating Parties”).

On July 29, 2009, Life of the Land (“LOL”) filed *Comments on Proposed Stipulated Order* stating LOL’s support of the Proposed Stipulated Procedural Order with the caveat that for the instant docket, “the Commission limit the number of hard copies to one: the original to be filed with the Commission.”

¹ On August 17, 2009, Marriotts filed a letter to inform the Commission that the management of the Kauai Marriott Resort & Beach Club has changed. The Kauai Marriott Resort & Beach Club is now leased and managed by Essex House Condominium Corporation (a corporate affiliate of Marriott International, Inc.).

The Honorable Chairman and Members of the
Hawaii Public Utilities Commission
September 11, 2009
Page 2

After its review of the SPO, the Commission's Staff pointed out to the Hawaiian Electric Companies that the SPO stated that all of the parties stipulated, when in fact LOL did not stipulate but supported the SPO. As a result, the Stipulating Parties have revised the SPO accordingly and have executed the enclosed revised document.

Very truly yours,



Dean K. Matsuura
Manager, Regulatory Affairs

Enclosures

cc: Service List

